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November 10, 2023

VIA ECF

Honorable Victoria Reznik
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

MEMO ENDORSED

Re: Bonie v. Annucci, 20 Civ. 640 (KMK) (VR)

Dear Judge Reznik:


This Office represents Defendants Ileshema Thomas and David Mazzalla ("Defendants") in the above-titled action. I write in response to your Order of November 3, 2023 (Docket No. 464), which directed Defense Counsel to "provide an update as to whether their discovery package was actually received by Plaintiff at Sing Sing Correctional Facility. The confirmation that Defendants' document production was received by Plaintiff is attached.

I apologize for not filing this sooner. I neglected to note that Sing Sing had not provided proof of delivery to Plaintiff of my prior package containing the document production, which I confirmed that our Office sent on September 29, 2023. When I reached out to the facility in response to your recent Order, they were no longer able to confirm delivery to Plaintiff. To correct this error, staff at Sing Sing agreed to take the unusual step of immediately printing out the entire production for me from a pdf file, and providing the attached written proof of its hand delivery to Plaintiff on November 6, 2023.

In light of defense counsel's representation that discovery packages were delivered to Plaintiff at both the Elmira Correctional Facility (ECF No. 446) and at the Sing Sing Correctional Facility (ECF No. 465), Plaintiff's motion to compel discovery (ECF No. 440) is **DENIED**.

Dated: 11/13/23

SO ORDERED.


Hon. Victoria Reznik, U.S.M.J.

Attachment

Respectfully submitted,

/s/ Daniel S. Kirschbaum

Daniel S. Kirschbaum
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cc. Nasean Bonie, *Plaintiff Pro Se* (via First Class Mail)